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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/601,150

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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/601,150

Applicant(s)

KOBAYASHI ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-15,18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/09/2007 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 11/15/2006 have been fully considered but they are not persuasive.

Applicant argues (page 11, lines 4-7), "Applicants submit that Hatori discloses that the display size of data icon is reduced toward the center of a spiral 104. Thus, the display size of the data icon is reduced toward the center of the spiral 104, but the sizes of the plurality of the images at the same distances from the center are the same."

In response, as explained by the previous examiner (see previous Office Action), the Examiner asserts again that Hatori clearly shows that the sizes of the plurality of the images at the same distances from the center are the NOT same. The Examiner cites, "...the sizes of data icons representing respective data differ depending upon their displayed positions, and **gradually decrease** from the outmost wind to the inner winds of the spiral 104", see Col. 5, lines 56-60 and "...if the size of the area is larger than the

size of the data icon, then the icon is magnified, whereas, if smaller than the size of the data icon, then the data icon is reduced by performing, e.g., thinning; Col. 9, lines 14-21.

Note: A "Spiral" is known to have inward surface from the center of the screen gradually increase toward the outward surface of the screen.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection

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does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)..

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6, 9-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oosterhout et al (US 6,405,371) in view of Yeo et al. (US 6,219,837) and further in view of Hatori et al. (US 5,977,974) and further in view of Aoki et al. (US 6,253,218).

Claim 1 and 10, Oosterhout discloses method of navigating through television programs is disclosed, where a television receiver displays a mosaic image with

sub-images representing the available programs (See Abstract). The claimed limitation of "image display control means for controlling the display of plurality of images generated, independent of the image data source" is met by Figure 1, Item 24. The claimed limitations of "focus setting means for setting a focus on an image positioned at an area surrounded by a frame, among the plurality of images displayed; and", "selection means for selecting an image set by the focus setting means, independent of the image data source" and "wherein one or more of the images are modified relative to the displayed image" are met by Figure 4. "In a step 303, the microprocessor receives cursor control commands from the remote control device and causes the graphics generator to display a cursor on screen. The cursor may take any convenient form. In FIG. 4, the cursor is shown as a framework around a selectable display item, such as a framework 45a around a sub-image or a framework 45b around an on-screen button. While moving the cursor across the sub-images on the mosaic screen with the cursor control keys (261 in FIG. 1), the receiver reproduces the audio signal of the associated television program" (Col 3, Lines 38-48; Also see: Col 2, Lines 28-37). Oosterhout further discloses providing image data from one of a plurality of image data sources as can be see in Figure 2 so as to allow the user to navigate through television programs, where each channel is interpreted to be a image data source. The "microprocessor processes, in a step 307, the data which links the position of each sub-image in the mosaic signal MOS with the program number n of the associated television program TV-n, and applies the relevant program number to the demodulator and demultiplexer. The control

program then returns to the step 301 to await a new EPG command" (Col 3, Lines 60-64).

Oosterhout fails to explicitly disclose displaying a plurality of indexing images.

Yeo teaches the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video. "These summary frames depict key scenes from the past which aid the viewer in quickly ascertaining the current plot or theme of the video program" (Col 3, Lines 28-31). Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Oosterhout with the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video.

The combined teaching fails to explicitly disclose image generation means for generating a plurality of images which are sequential and arranged spirally, based on image data, and for generating the plurality of images such that an image at a second time point is larger than an image at a first time point, and wherein the image is switched to a display of a child screen when the image become equal to or larger than the predetermined value.

Hatori discloses image generation means for generating a plurality of images which are sequential and arranged spirally (Col 19, Lines 40-65+), based on the image data input, and for generating the plurality of images such that an image at a second time point is larger than an image at a first time point, among the plurality of images which are sequential and arranged spirally (Col 20, Lines 1-50) so a user

can easily have a sense of time interval or depth so that the user can intuitively have a sense of temporal order (Col 2, Lines 38-53).

Hatori further discloses wherein the image is switched to a display of a child screen when the image becomes equal to or larger than the predetermined value (reads on the displacement of the icons based on the current position of the cursor displayed on a particular icon and when the button of the selecting device is clicked in which the icons of the spiral will move forward or inward. As such, the clicked icon will be replaced by the following preceding/ succeeding icons based on the distance between the cursor position and the center of the window that dictates the number of icons can be moved; see Col. 11, lines 40-67).

Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the combined teaching with image generation means for generating a plurality of images which are sequential and arranged spirally, based on image data, and for generating the plurality of images such that an image at a second time point is larger than an image at a first time point for the stated advantage.

The combined teaching of Oosterhout, Yeo and Hatori fails to explicitly disclose "wherein said image is enlarged until an image becomes equal to or larger than a predetermined value which renders the image gradually transparent in view of said plurality of images displayed".

Aoki teaches an image that is enlarged until an image becomes equal to or larger than a predetermined value, which renders the image gradually transparent in



view of said plurality of images displayed so as to eliminate the inconvenience to the user of having obscured images (Col 18, Lines 8-65; Col. 17, Lines 18-31).

Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the combined teaching with an image that is enlarged until an image becomes equal to or larger than a predetermined value, which renders the image gradually transparent in view of said plurality of images displayed for the stated advantage.

Claim 2 and 11, with respect to Hatori, the images are generated such that the image at the first time point is earlier than an image at the second time point. "On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the outermost curve of the spiral are arranged from the outside toward the inside of the spiral in descending order of time" (Col 5, Lines 18-26).

Claim 3 and 12, the Oosterhout et al. reference discloses the fading of sub-images so as to accentuate the non-faded sub-images. "In an advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1) to generate a brightness mask signal B which reduces the brightness of the

displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28).

Claim 4 and 13, the Oosterhout et al. reference discloses a frame of predetermined size responsive to the use input so as to indicate the user selection. "In a step 303, the microprocessor receives cursor control commands from the remote control device and causes the graphics generator to display a cursor on screen. The cursor may take any convenient form. In FIG. 4, the cursor is shown as a framework around a selectable display item, such as a framework 45a around a sub-image or a framework 45b around an on-screen button. While moving the cursor across the sub-images on the mosaic screen with the cursor control keys (261 in FIG. 1), the receiver reproduces the audio signal of the associated television program" (Col 3, Lines 38-48).

Claims 5-6 and 14-15, the image data moves in both a radial and circumferential direction as defined by a spiral shown in Figure 4, Item 104. "In an advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1) to generate a brightness mask signal B which reduces the brightness of the displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28).

Claim 9 and 18, the Hatori et al. reference discloses information processing apparatus and method that displays image data in a spiral time axis. The reference fails to explicitly disclose the generation of a background image, which radially spreads from the center of the spiral. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Hatori et al. system with generation of a background image, which radially spreads from the center of the spiral so as give perspective in order to give the appearance of depth.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht  
03/30/2007

  
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PRIMARY EXAMINER